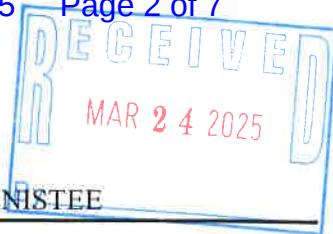


# EXHIBIT A



STATE OF MICHIGAN  
IN THE 19<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF MANISTEE

BRIAN T. GARTEN and  
GABRIAL L. McDougall,

**Plaintiff**

File No. 25-18513 -cz

vs.

**HON. DAVID A. THOMPSON**

## GRAND RIVER NAVIGATION COMPANY, INC.

Defendant

LAW OFFICE OF KROLCZYK & QUINN, P.C.  
By: Mark Quinn (P44062)  
Attorney Plaintiff  
402 Maple Street  
Manistee, MI 49660  
(231) 723-6223

GRAND RIVER NAVIGATION COMPANY INC.  
Defendant in Pro Per  
1026 Hannah Avenue, Ste. D.  
Traverse City, MI 49686  
231-642-4622

## VERIFIED COMPLAINT

NOW COME the Plaintiffs, BRIAN T. GARTEN and GABRIAL L. MCDougall, by and through their attorney, The Law Office of Krolczyk & Quinn, P. C., by Mark Quinn, and for their Verified Complaint, state as follows:

1. Plaintiff , BRIAN T. GARTEN, is an adult resident of Mason County Michigan.
2. Plaintiff, BRIAN T. GARTEN, owns real property in the city of Manistee, County of Manistee, State of Michigan located at 320 River Street, Manistee, MI 49660. This property is on the Manistee channel / river and said property includes a dock located in the Manistee channel / river, hereinafter referred to as “the Garten dock”.
3. Plaintiff, GABRIAL L. McDougall, is an adult resident of Manistee County Michigan.
4. Plaintiff, GABRIAL L. McDougall, is, and was at the time, the owner of a 25' Cherokee boat registration no. MC2867LV MFR Hull Id No. GFL25121A585. Hereinafter referred to as “ the McDougall boat”.
5. Plaintiff Garten rented the Garten dock for the sum of \$2,000.00 per season and as a direct result of Defendant’s actions has been prevented from doing so since

**TRUE COPY**  
MICHELLE JOHNSON  
Manistee County Clerk

August 23, 2021.

6. Plaintiff Garten was not able to use the Garten dock at all for rental purposes in 2022, 2023 and to the date of filing this complaint.
7. Plaintiff Garten rents the Garten dock in the months of May, June, July, August and September. Plaintiff Garten has lost out on \$6,000.00 in lost rent as a direct result of Defendants actions as of date of filing the Complaint.
8. Plaintiff McDougall had moored and secured the McDougall boat at the Garten dock in August 2021 and specifically, on August 23, 2021.
9. Defendant is a foreign profit corporation, incorporated under the laws of the state of Delaware.
10. Defendant has filed with the State of Michigan, Licensing and Regulatory Affairs (LARA) an application for certificate of authority to transact business and conduct affairs in Michigan said application was filed with the Bureau of Commercial Services on or about April 15, 2004. A copy of the application is attached hereto as **exhibit A** and incorporated hereto by reference.
11. Defendant owns and operates a Bulk Carrier Amship Lorain registration no. IMO #7366398 / MMSI #367341010 known as the Manitowoc.
12. Defendant had a duty to the Plaintiff's to make sure the Manitowoc was operated in a reasonable, safe, and prudent manner.
13. Defendant breeched its duty to Plaintiffs.
14. Defendants breeching of its duty to Plaintiff's was the proximate cause of Plaintiff Garten and Plaintiff McDougall's damages.
15. On August 23, 2021 the McDougall boat was properly and legally docked, moored and secured at the Garten dock.
16. On August 23, 2021 Defendant's ship, the Manitowoc, was heading east into Manistee Lake and in doing so stuck the McDougall boat pushing the McDougall boat into the Garten dock causing damage to the McDougall boat and the Garten dock.
17. The McDougall boat suffered damages totaling \$10,122.10 plus the potential damage to the inner hull / bulk head area which said potential damage is unknown

at this time and cannot be determined until other repairs have started. Attached hereto as **exhibit B** is an estimate from Thomas L. Shively Boat Repair.

18. The Garten dock has been damaged by the Manitowoc in the amount of \$54,200.00. A copy of the appraisal/ estimate for the repairs to the Garten dock is attached hereto as **exhibit C** and incorporated herein by reference.
19. Defendant has refused to pay, compensate or otherwise address either Plaintiff's damages.

**WHEREFORE**, Plaintiffs respectfully request this court grant the following relief:

- A. Enter a judgment against Defendant in favor of Plaintiff McDougall in the amount of \$10,122.10 plus all costs associated with any potential damage to the inner hull / bulk head area together with costs and attorney fees, and;
- B. Enter a judgment against Defendant in favor of Plaintiff Garten in the amount of \$54,200.00 together with costs and attorney fees, and;
- C. Enter a judgment against Defendant in favor of Plaintiff Garten for lost rent in the amount of \$6,000.00 together with \$2,000.00 per season until a judgment is entered.
- D. This court grant Plaintiff's such other relief this court deems just and proper.

Dated: March 11, 2025

( 100 ) ( 100 )

Brian T. Garten, Plaintiff

STATE OF MICHIGAN )  
COUNTY OF MANISTEE )  
 )ss )

On the 11 day of March 2025 before me personally appeared **BRIAN T. GARTEN** the above-named Plaintiff, who made oath that he has read the foregoing *Verified Complaint* and the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that as to those matters he believes to be true.

  
Jennifer Lynn Ikens, Notary Public  
Manistee County, Michigan  
My Commission Expires: 07/14/2030

Dated: March 18, 2025



Gabrial L. McDougall, Plaintiff

STATE OF MICHIGAN )  
COUNTY OF MANISTEE )ss  
                          )

On the 18 day of March 2025 before me personally appeared **Gabrial L. McDougall** the above-named Plaintiff, who made oath that he has read the foregoing *Verified Complaint* and the same is true of his own knowledge, except as to those matters herein stated to be on information and belief, and that as to those matters he believes to be true.

  
Jennifer Lynn Ikens, Notary Public  
Manistee County, Michigan  
My Commission Expires: 07/14/2030

Dated: March 18, 2025

  
LAW OFFICE OF KROLCZYK & QUINN  
Mark Quinn (P44062)  
Attorney for Plaintiffs

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN

JUDICIAL DISTRICT  
19th JUDICIAL CIRCUIT  
MANISTEE COUNTY

CASE NUMBER

25 - 18513 -CZ

HON. DAVID A. THOMPSON

Court telephone number  
231-723-6664

Court address

415 THIRD ST, MANISTEE, MI 49660

RECEIVED  
MAY 24 2025  
SUMMONS

Plaintiff's name, address, and telephone number

BRAIN GARTEN and  
GABRIEL MCDougall

Plaintiff's attorney bar number, address, and telephone number

LAW OFFICE OF KROLCKZYK AND QUINN  
MARK QUINN (P44062)  
402 MAPLE ST, MANISTEE, MI 49660  
231-723-6223

v

Defendant's name, address, and telephone number

GRAND RIVER NAVIGATION COMPANY INC  
1026 HANNAH AVENUE, SUITE D  
TRAVERSE CITY, MI 49660  
231-642-4622

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

#### Domestic Relations Case

There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.

It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

#### Civil Case

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in  this court,  \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_

The action  remains  is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

#### NOTICE TO THE DEFENDANT:

In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 3/18/2025	Expiration date* 6/17/2025	Court clerk Melissa L. Brinkjist, cas. D ex
-------------------------	-------------------------------	--

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case Number 25-18513-CZ**PROOF OF SERVICE**

**TO PROCESS SERVER:** You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

**CERTIFICATE OF SERVICE / NONSERVICE**

I served  personally  by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	Signature
Incorrect address fee \$	Miles traveled	Fee \$	Name (type or print)

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) on Date and time

Signature on behalf of

Name (type or print)